

**REMARKS*****Summary of the Amendment***

Upon entry of the above amendment, claims 1, 6, 10, 17, 25, and 32 will have been amended and claims 9, 26, and 33 – 35 will have been canceled without prejudice or disclaimer. Accordingly, claims 1 – 8, 10 – 25, and 27 – 32 currently remain pending.

***Summary of the Official Action***

In the instant Office Action, the Examiner has indicated that claims 9 – 12, 14 – 16, 26 – 28, and 35 contain allowable subject matter and would be allowable if presented in independent forms additionally reciting the subject matter of their base claims and any intervening claims. Further, claims 1 – 8, 13, 17 – 25, and 29 – 34 have been rejected over the art of record. By the present amendment and remarks, Applicant submits that the rejections have been overcome, and respectfully requests reconsideration of the outstanding Office Action and allowance of the present application.

***Traversal of Rejection Under 35 U.S.C. § 102(b)******1. Over Hinchcliffe***

Applicant traverses the rejection of claims 1, 2, 4, 6, 7, 8, and 13 under 35 U.S.C. § 102(b) as being anticipated by HINCHCLIFFE et al. (U.S. Patent No. 4,614,198) [hereinafter "HINCHCLIFFE"]. The Examiner asserts HINCHCLIFFE shows a process for connecting smoking article components that includes feeding a glued connecting sheet on a roller, feeding a cigarette/tip group on a grooved drum, transferring the connecting sheet to the cigarette/tip group so that the connecting sheet is arranged on

the cigarette/tip group with two free ends, and rolling the cigarette/tip group to wrap the connecting sheet around the group.

In the instant Office Action, the Examiner has indicated that claim 9 contains allowable subject matter and would be allowable if presented in an independent form that includes the features of its base claim 1 and any intervening claims. By the present amendment, Applicant has amended independent claim 1 to include the features of claim 9, but not the subject matter of the intervening claims. Accordingly, independent claim 1, as now amended, recites, *inter alia*, feeding a glued connecting sheet on a roller, feeding a cigarette/tip group on a grooved drum, transferring the connecting sheet to the cigarette/tip group such that the connecting sheet is arranged on the cigarette/tip group with two free ends, forming partially connected components, *reducing a spacing between the partially connected components*; and rolling the cigarette/tip group to wrap the connecting sheet around the cigarette/tip group. Applicant submits that HINCHCLIFFE fails to show at least the above-noted features of the invention.

Applicant notes that, while HINCHCLIFFE shows a device for producing oval filter cigarettes, there is no disclosure, or even an arguable suggestion, of reducing a spacing between partially connected components, as recited in at least independent claim 1, as now amended.

Because HINCHCLIFFE fails to disclose at least the above-noted feature of the present invention, Applicant submits that this document fails to show each and every recited feature of the invention. Therefore, Applicant submits that the art of record fails to establish an adequate evidentiary basis to support an anticipation rejection under 35 U.S.C. § 102(b), and that the pending rejection is improper and should be withdrawn.

Further, Applicant submits that claims 2, 4, 6, 7, 8, and 13 are allowable at least for the reason that these claims depend from allowable base claims and because these claims recite additional features that further define the present invention. In particular, Applicant submits that HINCHCLIFFE fails to anticipate, *inter alia*, the connecting sheet is transferred onto a junction point of the cigarette/tip group, as recited in claim 2; further comprising rotating the roller and the grooved drum such that a respective connecting sheet is successively transferred to a respective cigarette/tip group, as recited in claim 4; after transferring the connecting sheet to the cigarette/tip group, the process further comprises applying one of the two free ends of the connecting sheet to the cigarette/tip group to form the partially connected components, as recited in claim 6; the one of the two free ends is the front free end viewed in a conveying direction of the cigarette/tip group, as recited in claim 7; the free end of the connecting sheet is applied by an application device, as recited in claim 8; and the roller feeds a plurality of glued connecting sheets and the grooved drum feeds a plurality of cigarette/tip groups, and the connecting sheets and the cigarette/tip groups are joined at a same spacing, as recited in claim 13.

Accordingly, Applicant requests the Examiner reconsider and withdraw the rejection of claims 1, 2, 4, 6, 7, 8, and 13 under 35 U.S.C. § 102(b) and indicate that these claims are allowable.

2. Over Körber

Applicant traverses the rejection of claims 17, 19, 20, 22 – 24, and 29 – 35 under 35 U.S.C. § 102(b) as being anticipated by KÖRBER (U.S. Patent No. 2,821,199) [hereinafter “KOERBER”]. The Examiner asserts KOERBER shows a device for

connecting smoking article components that includes the recited features of the present invention.

In the instant Office Action, the Examiner has indicated that claim 26 contains allowable subject matter and would be allowable if presented in an independent form that includes the features of its base claim 17 and any intervening claims. By the present amendment, Applicant has amended independent claim 17 to include the features of claim 26, but not the subject matter of the intervening claims. Accordingly, independent claim 17, as now amended, recites, *inter alia*, a roller structured and arranged to a feed glued connecting sheet, and a grooved drum structured and arranged to feed a cigarette/tip group, in which the roller and the grooved drum are structured and arranged to connect the connecting sheet to the cigarette/tip group in such a manner that the connecting sheet has two free ends when connected to the cigarette/tip group, and *the grooved drum includes a plurality of seats structured and arranged so that a spacing between said plurality of seats is changeable*. Applicant submits that KOERBER fails to show at least the above-noted features of the invention.

Moreover, the Examiner has indicated that claim 35 contains allowable subject matter and would be allowable if presented in an independent form that includes the features of its base claim 32 and any intervening claims. By the present amendment, Applicant has amended independent claim 32 to include the features of claims 33 – 35, such that this claim is now presented in independent and allowable form. Accordingly, the rejection of claim 32 is now moot in view of the instant amendment.

Applicant notes that, while KOERBER shows a device for attaching filter pieces to cigarettes, there is no disclosure, or even an arguable suggestion, that the grooved

drum includes a plurality of seats structured and arranged so that a spacing between the plurality of seats is changeable, as recited in at least independent claim 17, as now amended.

Because KOERBER fails to disclose at least the above-noted feature of the present invention, Applicant submits that this document fails to show each and every recited feature of the invention. Therefore, Applicant submits that the art of record fails to establish an adequate evidentiary basis to support an anticipation rejection under 35 U.S.C. § 102(b), and that the pending rejection is improper and should be withdrawn.

Further, Applicant submits that claims 19, 20, 22 – 24, and 29 – 31 are allowable at least for the reason that these claims depend from allowable base claims and because these claims recite additional features that further define the present invention. In particular, Applicant submits that KOERBER fails to anticipate, *inter alia*, further comprising a device for applying one of the two free ends of the connecting sheet to the cigarette/tip group to form partially connected components, as recited in claim 19; the applying device is arranged to apply a first free end of the connecting sheet, when viewed in the conveying direction of said grooved drum, as recited in claim 20; said applying device comprises a rotational body, as recited in claim 22; said applying device comprises at least one application element, as recited in claim 23; said application element comprises a projection, as recited in claim 24; further comprising at least one rolling station located to wrap the connecting sheet around a junction point of the cigarette/tip group, as recited in claim 29; A machine of the tobacco processing industry comprising said recited device, as recited in claim 30; and said machine is a filter tipping machine, as recited in claim 31.

Accordingly, Applicant requests the Examiner reconsider and withdraw the rejection of claims 17, 19, 20, 22 – 24, and 29 – 32 under 35 U.S.C. § 102(b) and indicate that these claims are allowable.

***Traversal of Rejection Under 35 U.S.C. § 103(a)***

1. *Over Hinchcliffe*

Applicant traverses the rejection of claims 3 and 5 under 35 U.S.C. § 103(a) as being unpatentable over HINCHCLIFFE. The Examiner acknowledges that HINCHCLIFFE fails to disclose positioning the partially glued connecting sheets with a defined spacing or asymmetrically positioning the connecting sheets on the cigarette/tip groups, but asserts that it would have been obvious to do so.

As discussed above, HINCHCLIFFE fails to teach or even arguably suggest a process in which partially connected components are formed, and a spacing *between the partially connected components* is reduced, as recited in at least independent claim 1, as now amended. In fact, HINCHCLIFFE fails to provide any teaching or suggestion for reducing spacing, and fails to disclose or suggest any structure by which such a reduction in spacing could be achieved.

Because HINCHCLIFFE fails to teach or suggest at least the above-noted feature of the instant invention, Applicant submits that no proper modification can even arguably suggest the combination of features recited in at least independent claim 1, as now amended.

Further, Applicant submits that claims 3 and 5 are allowable at least for the reason that these claims depend from allowable base claims and because these claims recite additional features that further define the present invention. In particular,

Applicant submits that no proper modification of HINCHCLIFFE teaches or suggests, *inter alia*, the roller feeds a plurality of glued connecting sheets that are positioned with a defined spacing and the grooved drum feeds a plurality of cigarette/tip groups, as recited in claim 3; and the connecting sheet is transferred to located asymmetrically on the cigarette/tip group, as recited in claim 5.

Accordingly, Applicant requests the Examiner reconsider and withdraw the rejection of claims 3 and 5 under 35 U.S.C. § 103(a) and indicate that these claims are allowable.

2. Over Körber

Applicant traverses the rejection of claims 18 and 25 under 35 U.S.C. § 103(a) as being unpatentable over KOERBER. The Examiner acknowledges that KOERBER fails to disclose a roller having a defined spacing, but asserts that it would have been obvious to do so.

As discussed above, KOERBER fails to teach or even arguably suggest a device having a grooved drum with a plurality of seats *structured and arranged so that a spacing between said plurality of seats is changeable*, as recited in at least independent claim 1, as now amended. In fact, KOERBER fails to provide any teaching or suggestion of a device in which spacing between seats is changeable, and fails to disclose or suggest that such a feature would be desired in the KOERBER device.

Because KOERBER fails to teach or suggest at least the above-noted feature of the instant invention, Applicant submits that no proper modification can even arguably suggest the combination of features recited in at least independent claim 1, as now amended.

Further, Applicant submits that claims 18 and 25 are allowable at least for the reason that these claims depend from allowable base claims and because these claims recite additional features that further define the present invention. In particular, Applicant submits that no proper modification of KOERBER teaches or suggests, *inter alia*, said roller is structured and arranged to feed a plurality of connecting sheets with a defined spacing, as recited in claim 18; and said application elements are spaced to correspond to a spacing between said plurality of seats during the connection of the connecting sheets to the cigarette group, as recited in claim 25.

Accordingly, Applicant requests the Examiner reconsider and withdraw the rejection of claims 18 and 25 under 35 U.S.C. § 103(a) and indicate that these claims are allowable.

3. Over Körber in view of Bald

Applicant traverses the rejection of claim 21 under 35 U.S.C. § 103(a) as being unpatentable over KOERBER in view of BALD et al. (U.S. Patent No. 4,003,386) [hereinafter "BALD"]. The Examiner acknowledges that KOERBER fails to teach the recited transfer drum, but asserts it would have been obvious to modify KOERBER to include such a transfer drum in view of the teachings of BALD.

As discussed above, KOERBER fails to teach or even arguably suggest a device having a grooved drum with a plurality of seats *structured and arranged so that a spacing between said plurality of seats is changeable*, as recited in at least independent claim 1, as now amended. Moreover, Applicant notes that BALD likewise fails to teach or suggest the subject matter noted above as deficient in KOERBER.



Because neither document teaches or suggests at least the above-noted feature of the instant invention, Applicant submits that no proper combination of these documents can even arguably render unpatentable the instant invention, as recited in at least independent claim 17, as now amended.

Further, Applicant submits that claim 21 is allowable at least for the reason that this claim depends from an allowable base claim and because it recites additional features that further defines the present invention. In particular, Applicant submits that no proper combination of KOERBER and BALD teaches or suggests, *inter alia*, further comprising a transfer drum, wherein the applying device is located between said roller and said transfer drum relative to the conveying direction of said grooved drum, as recited in claim 21.

Accordingly, Applicant requests the Examiner reconsider and withdraw the rejection of claim 21 under 35 U.S.C. § 103(a) and indicate that this claim is allowable.

***Traversal of Provisional Rejection Under the Judicially Created Doctrine of Obviousness-type Double Patenting***

Applicant traverses the Examiner's provisional rejection of claims 1 and 32 under the Judicially Created Doctrine of Obviousness-type Double Patenting over claims 1 – 7, 12, 13, and 27 of U.S. Patent Application No. 10/382,491.

While Applicant does not acquiesce that claims 1 and 32 as originally presented are rendered obvious by the claims of U.S. Patent Application No. 10/382,491, Applicant by this amendment has amended each of claims 1 and 32. Moreover, by this amendment, Applicant submits that the provisional rejection of claims 1 and 32 is moot, since these amended claims are not rendered obvious over the claims of U.S. Patent

Application No. 10/382,491, and that the provisional application should be reconsidered and withdrawn.

Further, Applicant submits that, even if the Examiner does not agree that the claims are not obvious over U.S. Patent Application No. 10/382,491 (which Applicant submits they are), as the instant application is otherwise in condition for allowance, and the only pending rejection would be this provisional rejection, Applicant submits that the appropriate action would be to allow the instant application, and maintain any obviousness-type double patenting rejections in U.S. Patent Application No. 10/382,491.

***Application is Allowable***

Thus, Applicants respectfully submit that each and every pending claim of the present invention meets the requirements for patentability under 35 U.S.C. §§ 102 and 103, and respectfully request the Examiner to indicate allowance of each and every pending claim of the present invention.

***Authorization to Charge Deposit Account***

The undersigned authorizes the charging of any necessary fees, including any extensions of time fees required to place the application in condition for allowance by Examiner's Amendment, to Deposit Account No. 19 - 0089 in order to maintain pendency of this application.

**CONCLUSION**


In view of the foregoing, it is submitted that none of the references of record, either taken alone or in any proper combination thereof, anticipate or render obvious the Applicants' invention, as recited in each of claims 1 – 8, 10 – 25, and 27 - 32. The

applied references of record have been discussed and distinguished, while significant claimed features of the present invention have been pointed out.

Further, any amendments to the claims which have been made in this response and which have not been specifically noted to overcome a rejection based upon the prior art, should be considered to have been made for a purpose unrelated to patentability, and no estoppel should be deemed to attach thereto.

Accordingly, reconsideration of the outstanding Office Action and allowance of the present application and all the claims therein are respectfully requested and now believed to be appropriate.

Respectfully submitted,  
Siegfried SCHLISIO



Neil F. Greenblum  
Reg. No. 28,394

Robert W. Mueller  
Reg. No. 35,043

January 6, 2006  
GREENBLUM & BERNSTEIN, P.L.C.  
1950 Roland Clarke Place  
Reston, VA 20191  
(703) 716-1191